



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/749,332      | 12/30/2003  | Daniel F. Justin     | 13447.42            | 9889             |

7590 09/11/2007  
DANA L. TANGREN  
WORKMAN NYDEGGER  
1000 EAGLE GATE TOWER  
60 EAST SOUTH TEMPLE  
SALT LAKE CITY, UT 84111

|          |
|----------|
| EXAMINER |
|----------|

SWIGER III, JAMES L

|          |              |
|----------|--------------|
| ART UNIT | PAPER NUMBER |
|----------|--------------|

3733

|           |               |
|-----------|---------------|
| MAIL DATE | DELIVERY MODE |
|-----------|---------------|

09/11/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

|                          |                 |               |  |
|--------------------------|-----------------|---------------|--|
| <b>Interview Summary</b> | Application No. | Applicant(s)  |  |
|                          | 10/749,332      | JUSTIN ET AL. |  |
|                          | Examiner        | Art Unit      |  |
|                          | James L. Swiger | 3733          |  |

All participants (applicant, applicant's representative, PTO personnel):

(1) James L. Swiger. (3) \_\_\_\_\_

(2) Scott Woodbury. (4) \_\_\_\_\_

Date of Interview: 30 August 2007.

Type: a) ☒ Telephonic b) ☐ Video Conference  
c) ☐ Personal [copy given to: 1) ☐ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☒ No.  
If Yes, brief description: \_\_\_\_\_

Claim(s) discussed: 1, 12, 30 and 41.

Identification of prior art discussed: Bourque (US Patent 5,163,940).


Agreement with respect to the claims f) ☒ was reached. g) ☐ was not reached. h) ☐ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: See Continuation Sheet.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN A NON-EXTENDABLE PERIOD OF THE LONGER OF ONE MONTH OR THIRTY DAYS FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

EDUARDO C. ROBERT  
SUPERVISOR, EXAMINER

 8/30/07

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

Examiner's signature, if required

Continuation of Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: Representative for applicant requested clarification regarding the Non-Final rejection dated 7/9/2007. It was explained that the movement of the template was considered a functional limitation, as the Bourque reference has the ability to move in at least two orientations (a first and second) at least along the brace portion. With this movement, the reference could meet this limitation anywhere along the bar (22). Also, because the template and guide sleeve move with respect to one another, the axis would meet the template at a first and second location. It was suggested to further limit the claim to state that the template could move ONLY from an end of the brace portion, and not along it. Additionally the shape of the template was discussed. Regarded as an endpoint or support portion to meet the condyle, it was suggested that specifics as to dimensions or shape of the template with respect to the rest of the device (such as with the guide sleeve) more positively claim the invention. Further amendments may require additional search and consideration..

